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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Australia,* Canada, Cyprus,* Czech Republic, Denmark, Finland,* France, Germany, Greece,* Hungary,* Ireland, Liechtenstein,* Luxembourg, Madagascar, Nepal, New Zealand,* Sweden,* Switzerland,* United Kingdom of Great Britain and Northern Ireland: draft resolution

1998/... Human rights and mass exoduses

The Commission on Human Rights,

Disturbed by the scale and magnitude of exoduses and displacements of people in many regions of the world and by the human suffering of refugees and displaced persons. A high proportion of whom are women and children,

Recalling its previous relevant resolutions, in particular resolution 1997/75 of 18 April 1997, as well as those of the General Assembly, and the conclusions of the World Conference on Human Rights, which recognized that violations of human rights, persecution, political and ethnic conflicts, famine and economic insecurity, poverty and generalized violence are among the root causes leading to the mass exodus and displacement of people,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling all relevant human rights standards, including the Universal Declaration of Human Rights, the principles of international protection for refugees and the General Conclusions of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on international protection, and that asylum applicants should have access to fair and expeditious status-determination procedures,

Recognizing that the human rights machinery of the United Nations, including the mechanisms of the Commission on Human Rights and the human rights treaty bodies, has important capabilities to address human rights violations which cause movements of refugees and displaced persons or prevent durable solutions to their plight,

Noting the complementarity between the systems for the protection of human rights and humanitarian action, and that cooperation between them makes an important contribution to the promotion and protection of human rights of persons forced into mass exodus and displacement,

Recognizing the complementarity of the mandates of the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees and the importance of cooperation between them,

Welcoming the continuing efforts of the United Nations High Commissioner for Refugees in meeting the protection and assistance needs of refugees worldwide and in working to make it possible for refugees to exercise their fundamental right to return to and to stay in their own countries in safety and dignity,

1. Recalls the endorsement, by the General Assembly, in its resolution 41/70 of 3 December 1986, of the call upon all States to promote human rights and fundamental freedoms and to refrain from denying these to individuals in their population because of nationality, ethnicity, race gender, age, religion or language;

2. Takes note with interest of the report on human rights and mass exoduses (E/CN.4/1998/51) submitted by the High Commissioner for Human Rights;

3. Reaffirms the need for all Governments, intergovernmental bodies and concerned international organizations to intensify their cooperation and assistance in worldwide efforts to address human rights situations that lead to, as well as the serious problems that result from, mass exoduses of refugees and displaced persons;

4. Emphasizes the responsibility of all States and international organizations to cooperate with those countries, particularly developing ones, affected by mass exoduses of refugees and displaced persons, and calls on Governments and the relevant United Nations agencies to continue to respond to assistance needs of countries hosting large numbers of refugees until durable solutions are found;

5. Recalls article 14 of the Universal Declaration of Human Rights which states that everyone has the right to seek and to enjoy in other countries asylum from persecution and that this right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations;

6. Encourages States that have not already done so to consider acceding to the 1951 Convention relating to the Status of Refugees and its Protocol of 1967 and to relevant regional refugee instruments, as applicable, and other relevant international human rights instruments;

7. Calls upon States to ensure effective protection of refugees by, inter alia, respecting the principle of non-refoulement;

8. Recognizes that women and children constitute the majority of most refugee populations and that, in addition to the problems they share in common with all refugees, women and girls in such circumstances are vulnerable to gender-based discrimination and gender-specific violations of human rights;

9. Requests the High Commissioner for Human Rights, in the exercise of her mandate, and in cooperation with the United Nations High Commissioner for Refugees, to pay particular attention to human rights situations which cause or threaten to cause mass exoduses or displacements and to contribute to efforts to address such situations effectively through promotion and protection measures, emergency preparedness and response mechanisms, early warning and information sharing, technical advice, and expertise and cooperation in countries of origin as well a host countries;

10. Welcomes the efforts of the High Commissioner for Human Rights to contribute to the creation of an environment for a viable and sustainable return in post-conflict societies through initiatives such as the rehabilitation of the justice system, the creation of independent national

institutions capable of defending human rights, and broad-based programmes of human rights education, as well as strengthening of local non-governmental organizations through programmes of advisory services and technical cooperation;

11. Requests all United Nations bodies, including the special rapporteurs, special representatives and working groups of the Commission, the United Nations human rights treaty bodies, acting within their mandates, the specialized agencies, and governmental, intergovernmental and non-governmental organizations, to provide the High Commissioner for Human Rights with all relevant information in their possession on human rights situations that create or affect refugees and displaced persons for appropriate action in fulfilment of her mandate in consultation with the United Nations High Commissioner for Refugees;

12. Welcomes with appreciation the contributions of the United Nations High Commissioner for Refugees to the deliberations of the Commission on Human Rights and to other international human rights bodies and mechanisms, and invites her to address the Commission at each of its future sessions;

13. Requests the United Nations High Commissioner for Human Rights to invite Governments, intergovernmental organizations, specialized agencies and non-governmental organizations to provide information and comments and to prepare and submit, within existing resources, to the Commission at its fifty-sixth session a report on measures to prevent violations and denials of human rights that lead to and take place during mass exoduses and displacement;

14. Decides to continue its consideration of the question at its fifty-sixth session under the agenda item entitled "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission", under subitem entitled "Human rights, mass exoduses and displaced persons".